

From the INTERNATIONAL BUREAU

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PCTNOTIFICATION CONCERNING
TRANSMITTAL OF COPY OF INTERNATIONAL
PRELIMINARY REPORT ON PATENTABILITY
(CHAPTER I OF THE PATENT COOPERATION
TREATY)

(PCT Rule 44bis.1(c))

To:

FENSTER, Paul
Fenster & Company, Intellectual Property Ltd.
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RECEIVED

19 MAR 2007

FILE No. 36805

G.E. EHRLICH (1995) LTD.

Date of mailing (day/month/year)

08 February 2007 (08.02.2007)

Applicant's or agent's file reference

330/04150

IMPORTANT NOTICE

International application No.

PCT/IL2005/000380

International filing date (day/month/year)

07 April 2005 (07.04.2005)

Priority date (day/month/year)

07 April 2004 (07.04.2004)

Applicant

BARNEV LTD. et al

The International Bureau transmits herewith a copy of the international preliminary report on patentability (Chapter I of the Patent Cooperation Treaty)

The International Bureau of WIPO
34, chemin des Colombettes
1211 Geneva 20, Switzerland

Authorized officer

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PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter I of the Patent Cooperation Treaty)

(PCT Rule 44bis)

Applicant's or agent's file reference 330/04150	FOR FURTHER ACTION		See item 4 below
International application No. PCT/IL2005/000380	International filing date (<i>day/month/year</i>) 07 April 2005 (07.04.2005)	Priority date (<i>day/month/year</i>) 07 April 2004 (07.04.2004)	
International Patent Classification (8th edition unless older edition indicated) See relevant information in Form PCT/ISA/237			
Applicant BARNEV LTD.			

1.	This international preliminary report on patentability (Chapter I) is issued by the International Bureau on behalf of the International Searching Authority under Rule 44 bis.1(a).		
2.	This REPORT consists of a total of 7 sheets, including this cover sheet.		
In the attached sheets, any reference to the written opinion of the International Searching Authority should be read as a reference to the international preliminary report on patentability (Chapter I) instead.			
3.	This report contains indications relating to the following items:		
	<input checked="" type="checkbox"/>	Box No. I	Basis of the report
	<input type="checkbox"/>	Box No. II	Priority
	<input checked="" type="checkbox"/>	Box No. III	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
	<input type="checkbox"/>	Box No. IV	Lack of unity of invention
	<input checked="" type="checkbox"/>	Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
	<input type="checkbox"/>	Box No. VI	Certain documents cited
	<input type="checkbox"/>	Box No. VII	Certain defects in the international application
	<input type="checkbox"/>	Box No. VIII	Certain observations on the international application
4.	The International Bureau will communicate this report to designated Offices in accordance with Rules 44bis.3(c) and 93bis.1 but not, except where the applicant makes an express request under Article 23(2), before the expiration of 30 months from the priority date (Rule 44bis .2).		

The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland Facsimile No. +41 22 338 82 70	Date of issuance of this report 30 January 2007 (30.01.2007) Authorized officer <div style="text-align: center; font-weight: bold;">Simin Baharlou</div> e-mail: pt09@wipo.int
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PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

To:
PAUL FENSTER
FENSTER & COMPANY, INTELLECTUAL PROPERTY
LTD.
P.O. BOX 10256
PETACH TIKVA, 49002
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PCT

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

Applicant's or agent's file reference 330/04150		Date of mailing (day/month/year) 04 DEC 2006
FOR FURTHER ACTION See paragraph 2 below		
International application No. PCT/IL05/00380	International filing date (day/month/year) 07 April 2005 (07.04.2005)	Priority date (day/month/year) 07 April 2004 (07.04.2004)
International Patent Classification (IPC) or both national classification and IPC IPC: A61B 5/00(2007.01),5/103(2007.01),5/117(2007.01);A61B 10/00(2007.01) USPC: 600/304,551,588,591		
Applicant BARNEV LTD.		

1. This opinion contains indications relating to the following items:

- | | | |
|-------------------------------------|--------------|--|
| <input checked="" type="checkbox"/> | Box No. I | Basis of the opinion |
| <input type="checkbox"/> | Box No. II | Priority |
| <input checked="" type="checkbox"/> | Box No. III | Non-establishment of opinion with regard to novelty, inventive step and industrial applicability |
| <input type="checkbox"/> | Box No. IV | Lack of unity of invention |
| <input checked="" type="checkbox"/> | Box No. V | Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement |
| <input type="checkbox"/> | Box No. VI | Certain documents cited |
| <input type="checkbox"/> | Box No. VII | Certain defects in the international application |
| <input type="checkbox"/> | Box No. VIII | Certain observations on the international application |

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/ US Mail Stop PCT, Attn: ISA/US Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450 Facsimile No. (571) 273-3201	Date of completion of this opinion 16 October 2006 (16.10.2006)	Authorized officer Robert L. Nasser <i>J. Roberts</i> Telephone No. 571-272-3700 <i>for</i>
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**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.

PCT/IL05/00380

Box No. I Basis of this opinion

1. With regard to the language, this opinion has been established on the basis of:

- ☒ the international application in the language in which it was filed
- ☐ a translation of the international application into _____, which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1(b)).

2. With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:

a. type of material

- ☐ a sequence listing
- ☐ table(s) related to the sequence listing

b. format of material

- ☐ on paper
- ☐ in electronic form

c. time of filing/furnishing

- ☐ contained in the international application as filed.
- ☐ filed together with the international application in electronic form.
- ☐ furnished subsequently to this Authority for the purposes of search.

3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table(s) relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.

4. Additional comments:

WRITTEN OPINION OF THE
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Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability

The questions whether the claimed invention appears to be novel, to involve an inventive step (to be non-obvious), or to be industrially applicable have not been examined in respect of:

☐ the entire international application

☒ claims Nos. 135-138

because:

☐ the said international application, or the said claim Nos. _____ relate to the following subject matter which does not require an international search (*specify*):

☒ the description, claims or drawings (*indicate particular elements below*) or said claims Nos. 135-138 are so unclear that no meaningful opinion could be formed (*specify*):

These claims are not examined because they are omnibus claims and a meaningful opinion cannot be formed.

☐ the claims, or said claims Nos. _____ are so inadequately supported by the description that no meaningful opinion could be formed (*specify*):

☐ no international search report has been established for said claims Nos. _____

☐ a meaningful opinion could not be formed without the sequence listing; the applicant did not, within the prescribed time limit:

☐ furnish a sequence listing on paper complying with the standard provided for in Annex C of the Administrative Instructions, and such listing was not available to the International Searching Authority in a form and manner acceptable to it.

☐ furnish a sequence listing in electronic form complying with the standard provided for in Annex C of the Administrative Instructions, and such listing was not available to the International Searching Authority in a form and manner acceptable to it.

☐ pay the required late furnishing fee for the furnishing of a sequence listing in response to an invitation under Rules 13ter.1(a) or (b).

☐ a meaningful opinion could not be formed without the tables related to the sequence listings; the applicant did not, within the prescribed time limit, furnish such tables in electronic form complying with the technical requirements provided for in Annex C-bis of the Administrative Instructions, and such tables were not available to the International Searching Authority in a form and manner acceptable to it.

☐ the tables related to the nucleotide and/or amino acid sequence listing, if in electronic form only, do not comply with the technical requirements provided for in Annex C-bis of the Administrative Instructions.

☐ See Supplemental Box for further details.

WRITTEN OPINION OF THE
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International application No.
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Box No. V Reasoned statement under Rule 43 *bis*.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims <u>1-113,116-119,122-134 and 139-141</u>	YES
	Claims <u>114,115,120 and 121</u>	NO
Inventive step (IS)	Claims <u>1-113,116-119,122-134 and 139-141</u>	YES
	Claims <u>114,115,120 and 121</u>	NO
Industrial applicability (IA)	Claims <u>1-34 and 139-141</u>	YES
	Claims <u>NONE</u>	NO

2. Citations and explanations:

Please See Continuation Sheet

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
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Supplemental Box

In case the space in any of the preceding boxes is not sufficient.

V. 2. Citations and Explanations:

Claims 1-39 meet the criteria set out in PCT Article 33(2)-(3), because the prior art does not teach or fairly suggest determining the specification discrete labor state from a plurality of position signals over a plurality of contractions, as claimed.

Claims 40-55 meet the criteria set out in PCT Article 33(2)-(3), because the prior art does not teach or fairly suggest modifying a labor treatment based on a parameter of a representation of labor progression.

Claims 56-75 meet the criteria set out in PCT Article 33(2)-(3), because the prior art does not teach or fairly suggest determining the change in magnitude of the position signal with a contraction.

Claims 76-82 meet the criteria set out in PCT Article 33(2)-(3), because the prior art does not teach or fairly suggest modifying the dilation measurement, as claimed.

Claims 83-87 meet the criteria set out in PCT Article 33(2)-(3), because the prior art does not teach or fairly suggest determining full dilation when the cervix moves with a predetermined motion.

Claims 88-91 meet the criteria set out in PCT Article 33(2)-(3), because the prior art does not teach or fairly suggest determining the relative position of the fetal head, as claimed.

Claims 92-103 meet the criteria set out in PCT Article 33(2)-(3), because the prior art does not teach or fairly suggest determining labor progress from geometric and non-geometric data.

Claims 104-107 meet the criteria set out in PCT Article 33(2)-(3), because the prior art does not teach or fairly suggest the method for determining fetal head deformation.

Claims 114, 115, 120, and 121 lack novelty under PCT Article 33(2) as being anticipated by Paltieli. Paltieli teaches a method of

**WRITTEN OPINION OF THE
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Supplemental Box

In case the space in any of the preceding boxes is not sufficient.

determining the degree of effacement of the cervix from positional information, which is measured manually during an intervention.

Claims 108-113 meet the criteria set out in PCT Article 33(2)-(3), because the prior art does not teach or fairly suggest the device for detecting the second stage of labor.

Claims 116-119 meet the criteria set out in PCT Article 33(2)-(3), because the prior art does not teach or fairly suggest determining the particular parameters from positional information, as claimed.

Claims 122-125 meet the criteria set out in PCT Article 33(2)-(3), because the prior art does not teach or fairly suggest the filtering method recited.

Claims 126-134 meet the criteria set out in PCT Article 33(2)-(3), because the prior art does not teach or fairly suggest the pharmaceutical control method.

Claims 139-141 meet the criteria set out in PCT Article 33(2)-(3), because the prior art does not teach or fairly suggest the data presentation method claimed.

Claims 1-134 and 139-141 meet the criteria set out in PCT Article 33(4), and thus have industrial applicability because the subject matter claimed can be made or used in industry.